

Minutes of a Regular Meeting

March 6, 2003

Town of Los Altos Hills

City Council Regular Meeting

Thursday, March 6, 2003, 6:00 P.M.
Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Fenwick called the Regular Meeting of the City Council to order at 6:02 p.m. in the Council Chambers at Town Hall.

Present: Mayor Fenwick, Mayor Pro Tem Cheng and Councilmembers O'Malley, Kerr and Warshawsky
Absent: None
Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, City Engineer/Director of Public Works Mintze Cheng, Administrative Services Director Sarah Joiner, Parks and Recreation Supervisor Jimmy Forbis and City Clerk Karen Jost
Press: Tim Seyfert, Los Altos Town Crier

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Cheng and passed unanimously to limit the length of time for public comments to three minutes.

2. APPOINTMENTS AND PRESENTATIONS

2.1 Presentation from Community Health Awareness Council-Rory Kaplan and Executive Director Monique Kane

Rosemary Kaplan, Los Altos Hills City Council Representative to the Community Health Awareness Council (CHAC), introduced Executive Director Monique Kane.

Monique Kane thanked the Council for the opportunity to express her appreciation for their continuing support of CHAC. Kane presented a brief historical overview CHAC and its metamorphosis into a comprehensive counseling program that is available on every school campus grades K-12 in Los Altos, Mountain View and Los Altos Hills. Funding for their programs is provided by the Joint Powers Agreement with the Cities of Los Altos Hills, Mountain View and Los Altos, Santa Clara County contracts, foundations, grants and individual major donors. Kane added that the internship program that has been developed by CHAC provides the numbers of counselors needed for the communities to be very proactive in addressing the ever changing needs of the area's youth.

2.2 Introduction of Parks and Recreation Supervisor Jimmy Forbis

City Manager Maureen Cassingham introduced the Town's new Parks and Recreation Supervisor to the Council and public.

Jimmy Forbis thanked the Council for the opportunity to work in the Los Altos Hills community. He commented that he is very excited about the unique opportunity that is before him and he looks forward to the challenge.

Mayor Fenwick asked Forbis to discuss his recreation background.

Forbis noted that he had "recreation stops" in Kansas City, Wichita, and Watsonville and was a professional umpire in Minor League Baseball for four years.

City Manager Cassingham added the Jimmy is presently working on his Masters degree in Public Administration at San Jose State.

The Mayor and Council congratulated Jimmy and welcomed him to the staff.

3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill reported that at the February 27, 2003 Planning Commission meeting there had been five Public Hearings including two variance requests and a study session. The request for a height exception was approved and the request for a variance to locate a swimming pool in the setback was denied. Cahill added the Planning Commission had begun its study of the View Protection Ordinance and he would be reporting on the Commissioners comments under Unfinished Business.

4. CONSENT CALENDAR

Items Removed: Item 4.1 (Fenwick), Item 4.4 (O'Malley) and Item 4.6 (Fenwick)

MOTION SECONDED AND CARRIED: Moved by Cheng, seconded by O'Malley and passed unanimously to approve the remainder of the Consent Calendar, specifically:

4.2 Approval of Warrants: 02/13/2003 – 02/27/03 (\$173,632.63)

4.3 Acceptance of Grant of Conservation Easement, Lands of Westra:
10574 Blandor Way Reso# 13-03

4.5 Consideration of Resolution to Give the Registrar of Voters Office First Priority for the Use of City Facilities as Polling Places Reso# 14-03

4.7 Annual Summary of Town Actions, Projects and Activities – April 18, 2002 to Date

Items Removed:

4.1 Approval of Minutes: Regular City Council Meeting, February 20, 2003

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Kerr and passed unanimously to approve the Minutes of the February 20, 2003 Regular City Council Meeting with the following corrections: page 4, paragraph 6, add the sentence – "Estrin questioned whether the Town had considered doing any of the flood control work in Adobe Creek." and correct the spelling of Estren to Estrin; page 4 correct the spelling of Milar to Millar; and page 6 correct the spelling of T.J. Rogez to D.J. Rogez.

4.4 Approval of Sanitary Sewer Reimbursement Agreement Between the Town of Los Altos Hills and David Jessen Reso #15-03

Councilmember O'Malley requested clarification on this item from the City Engineer.

City Engineer Mintze Cheng explained that this sewer connection was beyond the completed Epstein sewer project. The Epstein project is referred to as Ravensbury I and the Jessen connection is Ravensbury II. Cheng added that Mr. Epstein has not yet come before Council yet with his reimbursement agreement.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Cheng and passed unanimously to approve the Sanitary Sewer Reimbursement Agreement between the Town of Los Altos Hills and David Jessen. Reso#15-03

4.6 Proposed Wording of Town-Wide Mailing - RE: View Ordinance

Mayor Fenwick expressed his concern with the text of the proposed View Ordinance that defines a resident's view as that which existed at the time they purchased or occupied the property. The timing and effective dates are unacceptable as written. Fenwick added that a resident who has resided in his home for fifty years could request his neighbors remove their trees to return his original view. He has asked the Planning Director to query Tiburon on his Town's interpretation of their view ordinance.

Councilmember O'Malley said the real issue is the baseline that will be used for what constitutes pre-existing views.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Cheng and passed unanimously to continue this item for further clarification of the wording.

5. UNFINISHED BUSINESS

5.1 Update on Mayor's Goals

Mayor Fenwick introduced this item by stating that the list of goals had been defined by him as Mayor as had been the practice of previous Mayors.

Councilmember Kerr concurred with the Mayor and supported the continued reference to the goals as the Mayor's Goals.

Councilmember O'Malley stated that this could be revisited in the future when Mayor Pro Tem Cheng is Mayor.

5.1.1 New Town Hall – Committee Meeting Report

Councilmember Kerr reported to Council that at the February 25th Town Hall Committee Meeting, the architects had been introduced to the Committee and public and they made brief presentations of their style renderings. They have been asked to give similar presentations before the Council at a Public Hearing to be held at the April 3rd Regular City Council Meeting. Kerr added the Town's Newsletter will include the renderings and thumbnails of the architects narratives and the Town-wide mailing from the Committee will be sent out shortly to invite the residents to choose a style and comment on the renderings. Each household will be allowed one advisory poll response form that will be returned to Town Hall and then counted. The mailer also clarifies that the ultimate decision on the design of Town Hall is the responsibility of the City Council.

5.1.2 Undergrounding of Utilities – Committee Meeting Report

Councilmember Warshawsky reported that the Undergrounding Committee met on February 25th. Their main points of discussion were financing of the project and engineering issues. The Committee concluded the R.W. Beck study is complete enough to move forward with other issues. However, the estimated cost by Beck of \$1,600. per household for a connection from the road to the home may be too low.

Committee members Steve Schmidt and Andy Colman have been investigating the financing aspects of undergrounding utilities in the Town. They have concluded that an expert is needed to assist the Committee with the financing questions and have asked Duffy Price to include this request for volunteers in the Newsletter.

Warshawsky noted the Undergrounding Committee will be visiting the Town of Tiburon on March 19th to discuss their experiences with undergrounding. The Committee's next meeting is scheduled for March 27th.

5.1.3 Master Pathway Map – Committee Report

Councilmember O'Malley reported the Ad Hoc Pathway Committee met on Friday, February 28th for four hours. He thanked all of the volunteers who have been assisting with this project. O'Malley stated that they have found a few minor errors with the map and several dedicated paths that have been closed off by property owners. The group will be meeting again tomorrow and he invited interested citizens to participate.

5.1.4 View Protection Ordinance –Planning Commission Meeting Report

Planning Director Cahill reported that the Planning Commission will review the Ordinance at their March 13th Meeting and he will bring to their attention the Council's concerns about clarifying what constitutes pre-existing views. Mayor Fenwick directed Cahill to ask the Tiburon staff if they agree with our interpretation of their ordinance.

OPENED PUBLIC COMMENT

Sandy Humphries, 26238 Fremont Road, stated that her main concern with the proposed ordinance is that people feel they may cut down the larger trees without any consequences. The Town of Tiburon does not want tall trees but the Town of Los Altos Hills is a different environment. We are an agricultural community and need the tall trees are vital to the existence of raptor birds which control the rodent population.

Jim Abraham, 12831 Viscaino Road, commented that our area managed just fine without the Eucalyptus trees. He suggested the wording for the view ordinance for residents comments could be included in the new Town Hall mailer.

CLOSED PUBLIC COMMENT

5.2 Appointments of Prospective Members of the Pathway Committee

Mayor Fenwick recessed the meeting for five minutes to permit the Council to review the applications.

Council reconvened.

Council had before them applications from 16 candidates for their consideration. Following a brief interview process, the following residents were selected to serve on the Pathway Committee for four year terms: Nancy Ewald, Fred Fallah, Ginger Summit (re-appointments) Richard Cassam and Chris Vargas (new appointments).

Mayor Fenwick thanked all of the candidates for their participation.

Councilmember O'Malley encouraged the applicants that were not selected to apply for other vacancies, assist with the Pathway May project or other Pathway Committee projects.

6. NEW BUSINESS

6.1 Community Relations Committee – Discussion of Upcoming Events and Budgets

Roy Woolsey, Chairman Community Relations Committee, noted for Council that his Committee is chartered to perform very specific charges. The Newsletter is under the purview of this Committee and he commended Duffy Price for her admirable

performance as Editor. The Committee is also responsible for sponsoring several Town social events including the Annual Picnic. This year the Committee is proposing to change the name of the event from the Spring Family Picnic to the Los Altos Hills Town Picnic. They are hoping this would be a more inclusive name and possibly increase the number of residents who attend. Woolsey informed the Council that a memo from the Committee will be sent to all Standing Committee Chairs eliciting support, participation and ideas for the picnic. The proposed budget for this year's event which is scheduled for June 1, 2003 is \$14,000.

The Committee is also responsible for welcoming newcomers to the Town and Council had before them a proposal for the budget for the September Newcomer's Social.

Chairman Woolsey concluded that he is before the Council tonight seeking approval of the proposed event budgets and draft memo to the Standing Committees.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to approve the requested budgets for the Town picnic and Newcomers Social and the Committee's proposed memo.

6.2 Discussion of City Council Annexation Policy

Mayor Fenwick explained that this item had been brought before Council to give staff clear direction on how to proceed with annexation requests.

Planning Director Cahill noted for Council the recently completed annexation to the Town of the 53 parcels in the unincorporated area along Ravensbury Avenue. The Town also annexed five parcels on Amigos Court near Summerhill in 2001. The Town has now received a request for annexation from the residents of in the West Loyola Drive neighborhood in the unincorporated area known as San Antonio Hills. The area consists of at least 65 parcels ranging in size from 5,200 square feet to 3.1 acres. Cahill added that most parcels are around 1 acre in size. There are at least 191 more parcels in the San Antonio Hills area that are within the Town's sphere of influence that could also be annexed into the Town. Cahill noted that the annexations are being driven by the residents desire to have sewer service.

Cahill explained that staff is asking Council to develop an annexation policy to convey their position on annexation and establish an orderly process for same. Cahill added that the policy should also address the issue of areas that request annexation that are not in the Town's sphere of influence or urban service area. Specifically, the Los Altos Country Club area that is in the SIO of the City of Los Altos but has made overtures to the Town to be annexed.

Cahill asked Council to consider several items in formulating an annexation policy including finite sewer capacity rights, the condition of the existing infrastructure including streets and drainage, conformance of the development in the area with the Town's zoning rules and standards, and the fiscal impacts of providing Town services.

Mayor Fenwick noted that if the Town annexed all of this area, the maximum increase to the population would be 10% or less.

Councilmember Kerr asked what the fiscal impact to the Town would be.

Cahill acknowledged that this is an unknown. There would be a need for more safety and maintenance services and it is not known if the additional revenue from property taxes would cover these and other costs.

Councilmember Kerr expressed his concern regarding the limited pathways in the unincorporated area and the West Loyola area specifically.

City Manager Maureen Cassingham explained that the master sewer study for the Town should be completed this summer. At this time, the Town has only one sewer connection with the City of Los Altos.

Councilmember O'Malley stated that he believes, as a good citizen, you should make every effort to facilitate annexation with contiguous neighbors within our sphere of influence who are similar in kind and do not present substantial problems. He does agree, however, that providing sewers for everyone could be difficult and present a major problem

OPENED PUBLIC HEARING

Don Weden, Principal Planner, Santa Clara County, distributed a handout to Council on to annexation of unincorporated urban pockets to the Town of Los Altos Hills. He explained that in the early 70's, the cities and county developed and agreed to policies that the areas in the unincorporated areas in their urban service areas should eventually be annexed by the cities. Weden added that it is not in the interest of anyone to have the County continue to provide services to this area. It is inefficient and costly which impacts everyone's tax dollar. He hoped the Council would look carefully at annexation.

Rich Larson, 10584 Berkshire Drive, representing the West Loyola neighborhood explained that 81 % of the residents in his area have signed a petition requesting annexation to the Town. He noted that it was not solely to acquire sewer connections but to also gain representation and much needed services. Larson stated that those residents who want sewer immediately have all ready purchased connection rights from Town residents who have multiple rights that they do not need. He hoped that Council would carefully consider their request.

William Helvey, 10515 Berkshire Drive, expressed the frustration of applying for development projects in the County and being directed to the Town for approval. Town staff, having no jurisdiction over your project, are very courteous but will send you back to the County. It is very tedious and frustrating and annexation would eliminate these problems.

Jim Abraham, 12831 Viscaino Road, commented that when an area is annexed , it should be consistant with the Town's zoning. He added that he believes people in the unincorporated area want sewers to develop their property and there are not enough connection rights for Town residents.

CLOSED PUBLIC COMMENT

Councilmember Kerr reiterated his concern for pedestrian safety on West Loyola. He wants this issue resolved by the Supervisors.

Councilmember O'Malley suggested that staff should prepare a report to the Board of Supervisors asking them to address the Council's concerns regarding annexation, specifically the accessibility of sewer connections and the condition of the infrastructure in the unincorporated area.

PASSED BY CONSENSUS: To direct staff to prepare a letter to Supervisor Kniss requesting her assistance in obtaining sewer connections for the Town and infrastructure repairsby the County to bring any potential annexation area up to Town standards.

6.3 Discussion of Formation of Open Space Standing Committee

Duffy Price, 26435 Anacapa Drive, addressed the Council on behalf of the Open Space Group. She explained that this proposal is being requested at this time is in recognition of the strong desire of the residents of the Town to preserve and protect open space lands in the Town which was clearly expressed by the recently adopted Open Space and Public Recreation Initiative.

Price noted that Council had before them a complete description of the mission and objectives of the proposed Open Space Standing Committee which are supported by the Town's General plan. The mission statement of the Committee is to preserve, protect and enhance open space lands throughout the Town of Los Altos Hills, and to support the Town of Los Altos Hills in the implementation of the relevant General Plan Elements.

Price outlined the objectives of the Committee as defined in its charter: 1) to inventory town-owned open space properties, conservation easements and lands yet to be developed for the purpose of "ensuring all land significant to maintenance of community character will be preserved"; 2) monitor open space lands according to the Conservation Element of the General Plan; 3) manage open space resources by preventing erosion, protecting the natural water regimen, and preventing the spread of noxious non-native weeds; 4) preserve open spaces through public regulation (dedication of conservation easements at the time of site development and subdivision) and voluntary conservation easements; 5) pursue sharing conservation easement jurisdictions on lands contiguous with Mid-Peninsula Regional Open Space District and collaborate with open space groups in the neighboring Towns of Portola Valley and Woodside; and 6) encourage public awareness of the values of open space through information forums and programs.

Price thanked the Council for their consideration and introduced Nancy Couperus, resident and member of the Open Space Group. Nancy presented an historical overview of the Open Space Group's projects. They have been working since 2002 inventorying conservation easements with the goal to create a Town map that can be incorporated into a GIS system. Couperus added the Group has also been actively working to restore habitat primarily the area in Byrne Preserve that is being decimated by a non-native invasive weed. She reported that they are launching an educational campaign to explain voluntary conservation easements and will be collaborating with Portola Valley and Woodside on common issues.

OPENED PUBLIC COMMENT

Patty Ciesla, 11990 Page Mill Road, commented she believes the formation of the new Standing Committee would be beneficial to the Town. It would keep the momentum of residential interest in open space moving forward.

John Swan, 13201 Burke Road, noted that the concept of voluntary easements is a very proactive way for the Town to enlarge the open space.

Diane Cassam, 27400 Altamont Road, voiced her support for the proposed new Standing Committee.

Sandy Humphries, 26238 Fremont, noted that more open space is something every resident of the Town wants.

CLOSED PUBLIC COMMENT

Councilmember Warshawsky expressed his support for the formation of the new Committee. He volunteered to serve as Council liaison to the Open Space Standing Committee.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed unanimously to create a new Los Altos Hills Standing Committee named the Open Space Committee.

Staff was directed to amend Resolution 10-03 Establishing Standing Committees to include the Open Space Committee and to return it to Council at the next meeting for approval.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Mayor Fenwick reported that he had attended the Emergency Communications Committee meeting on March 4th.

Council agreed on April 29, 2003 as the new date for the Joint Council Meeting with the City of Los Altos.

Mayor Fenwick reported that he had received a letter from the Los Altos School Board after the last Council meeting requesting an appointment of a Councilmember to the of Bullis School Disposition Committee. He has recommended Councilmember Kerr and asked the Council for confirmation of the appointment.

Councilmember Kerr informed Council that he is interested in serving on the Committee. He sees no personal conflicts of interest with the Committees charter. He wanted Council to be aware he does support a charter school for the site but will not have a child in attendance. The issues he wants to support include having the charter school pay rent and insuring that no locked gates go around the site similar to the present situation at Pinewood.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by O'Malley and passed unanimously to appoint Councilmember Kerr to the Bullis School Disposition Committee.

8. STAFF REPORTS

8.1 City Manager

City Manager Cassingham reported that the City of Palo Alto will be ready to demonstrate a preliminary GIS system for the Town on March 21, 2003.

Councilmember O'Malley reported he had attended the Santa Clara Valley Water District meeting and had participated in the Los Altos Garbage Company negotiations with the City Manager, representatives from LAGCo and our consultant.

Mayor Pro Tem Cheng reported that she had attended the Parks and Recreation Committee meeting and they are busy developing summer programs.

8.2 City Attorney

City Attorney Steve Mattas introduced Alix Rosenthal, Assistant City Attorney who will be attending the Planning Commission meetings on an as needed basis.

8.3 City Clerk

8.3.1 Report on Council Correspondence

9. COUNCIL-INITIATED ITEMS

10. PRESENTATIONS FROM THE FLOOR

Jim Abraham, 12831 Viscaino Road, commented that there are situations where people should be required to cut down trees, especially those who have thoughtlessly planted eucalyptus and pine trees. These varieties of trees have greatly impacted his view and he would like to see views restored.

John Harpootlian, 26435 Anacapa Drive, stated that he would like a different term for the Mayor's goals. He explained, that in his opinion, the goals are the Council's goals. Harpootlian added that words have consequences and it would be beneficial to think of the goals as something that the Council as a whole is working towards.

William Downey, 14330 De Bell Road, commended Council and Town's staff for the quick response to his report of the eroding pathway on Fremont Road and the subsequent repair of the pathway.

Harry Bahlman, 27980 Central Drive, member of the Los Altos Hills Horsemen's Association, invited Council and staff to the Associations' LAHHA Ha-Ha social event to be held on Saturday, March 29th at Westwind Barn. Bahlman reported the Association is working on improvements to the Town ring, developing educational classes, a web page and possibly offering dog agility classes in the future. LAHHA presently has 211 members.

Duffy Price, Town Newsletter Editor, informed Council that the Newsletter will be mailed to residents by March 12th or 13th. She thanked everyone for their support.

Council adjourned to Closed Session at 11:05 p.m.

11. CLOSED SESSION:

CLOSED SESSION: EMPLOYEE PERFORMANCE EVALUTATION: CITY MANAGER:PURSUANT TO GOVERNMENT CODE SECTION 54957

CONFERENCE WITH LABOR NEGOTIATOR(S):PURSUANT TO GOVERNMENT CODE SECTION 54957.6: AGENCY DESIGNATED REPRESENTATIVE: MAYOR/CITY ATTORNEY; UNREPRESENTED EMPLOYEE: CITY MANAGER

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

Gheyri v. Wells et al. Case No. CV 787358

The City Council considered the items listed on the closed session agenda and provided direction to staff. There were no actions taken.

Council reconvened into Open Session at 11:35 p.m.

12. ADJOURNMENT

MOTION SECONDED AND CARRIED: Moved by Cheng, seconded by Warshawsky and passed unanimously to adjourn the meeting at 11:36 p.m.

Respectfully submitted,

Karen Jost
City Clerk

The minutes of the March 6, 2003 Regular City Council Meeting were approved at the Regular City Council Meeting of March 20, 2003.